

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Southern Division**

**REMY NELSON
2004 Franklin Street NE
Washington, D.C. 20002**

Plaintiff,

v.

**WASHINGTON METROPOLITAN
AREA TRANSIT AUTHORITY
300 7th Street SW
Washington, D.C. 20024**

Defendant.

Civil Action No. 8:23-cv-3140

**DEFENDANT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S
NOTICE OF REMOVAL**

COMES NOW, Defendant Washington Metropolitan Area Transit Authority (hereafter “WMATA”), by and through undersigned counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, and Md. Transportation Code § 10-204 (81) (2022), hereby removes the above-captioned matter to this Court. The grounds for removal are set forth below.

Nature of Plaintiff's Claim

1. On or about October 19, 2023, Plaintiff Remy Nelson filed a lawsuit against WMATA in the Circuit Court for Prince George's County, Maryland under Case No. D-05-CV-23-032803.
2. WMATA was served with process on October 24, 2023.
3. In accordance with 28 U.S.C. § 1446(a), true and correct copies of the Complaint and Summons that were served on WMATA, and are attached hereto as Exhibit A.

Procedural Posture

4. This Notice of Removal is filed within thirty (30) days after service of the Summons and Complaint and is therefore timely. *See* 28 U.S.C. § 1446(b).

Jurisdiction and Venue

5. This is a civil action over which this Court has original jurisdiction. Jurisdiction is predicated upon § 81 of the Washington Metropolitan Area Transit Authority Compact, Public Law 89-774, 80 Stat. 1324, 1350 (1966), Md. Transportation Code § 10-204 (2022), which grants this Court jurisdiction over all actions brought by or against WMATA:

The United States District Courts shall have original jurisdiction, concurrent with the Courts of Maryland and Virginia, of all actions brought by or against the Authority and to enforce subpoenas issued under this Title. Any such action initiated in a State Court shall be removable to the appropriate District Court in the manner provided by Act of June 25, 1948, as amended [28 U.S.C. §1446].

6. Venue is proper because this district embraces the jurisdiction in which Plaintiff initiated his lawsuit.

7. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed contemporaneously with the Clerk of the Circuit Court for Prince George's County, Maryland and served along with written notice on Plaintiff's counsel of record.

8. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to Defendant WMATA.

WHEREFORE, Defendant Washington Metropolitan Area Transit Authority hereby removes the above-captioned matter, in its entirety, to this Court.

Respectfully submitted,

/s/ Nimalan Amirthalingam

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 17, 2023, a copy of the foregoing was served
via the Court's electronic case filing system and first-class mail, postage pre-paid, upon:

Alan R. Fawcett, Esq.
Timian & Fawcett, LLC
8201 Corporate Drive, #730
Hyattsville, MD 20785
Counsel for Plaintiff

/s/ Nimalan Amirthalingam

Nimalan Amirthalingam, Esquire (#18471)